IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 165 of 2006

KHEMA & ORS
V/S
JEEVRAJ & ORS

Mr. RS CHUNDAWAAT, for the appellant / petitioner

Date of Order : 24.8.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

This appeal has been filed by the plaintiff, whose suit for cancellation of sale deed, and perpetual injunction has been dismissed by both the learned Courts below.

The suit was filed on the ground that the sale deed was got executed by the defendants No.1 and 2 by inducement, and under intoxication of alcohol, and at that time, the plaintiffs were minors. It was also contended that the defendants No.1 and 2 are attempting to get the land mutated in their name. The defendants contested the suit by claiming that the land was purchased by them by registered sale deed, and are in possession, and that the allegation of inducement and intoxication are a myth. It was also contended that the suit is time barred.

Both the learned Courts below have found that there is absence of material pleadings, about Durga being alive at the time of sale, and his not being entitled to

execute the sale deed. Then it was also found that the allegation, about intoxication, or sale deed having been got executed by inducement, and without consideration, have not been proved. Likewise, it has also been found that one of the brothers Lala had come to know of the sale deed in fortnight thereafter only, but then no efforts have been made by him to have the sale deed set aside. Inter-alia with these findings, it has been found that the plaintiff has not been able to establish, as to how the sale deed is invalid, and the suit has been dismissed by both the learned Courts below.

In my view, the findings are not vitiated on any of the grounds available under Section 100 CPC.

The appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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